

2 56S 39E  
Sec. Twp. Range

**ZONING HEARING APPLICATION  
MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING & ZONING**

**RECEIVED**  
204-449  
DEC 20 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY JFA

LIST ALL FOLIO #S: 30-6902-001-0342, 30-6902-001-0341 Date Received

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

LAZARO Bombalier

**2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 18920 S.W. 132<sup>nd</sup> Avenue  
City: Miami State: FL Zip: 33177 Phone#: 305-554-6963

**3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): LAZARO Bombalier  
Mailing Address: 18920 S.W. 132<sup>nd</sup> Avenue  
City: Miami State: FL Zip: 33177 Phone#: \_\_\_\_\_

**4. CONTACT PERSON'S INFORMATION:**

Name: Pedro A. Hernandez, P.E. Company: Kelley Engineers of Dade  
Mailing Address: 2450 S.W. 137<sup>th</sup> Avenue, Suite 217  
City: Miami State: FL Zip: 33175  
Phone#: 305-554-6963 Fax#: 305-554-7516 E-mail: Kelley2450@A1.com

**5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

The North 1/2 and the South 1/2 of Tract 14, in the NW 1/4 of Section 2, Township 56S, Range 39E, of Tropic according to the plat thereof as recorded in PB 2, at page 57 of the public records of Miami-Dade County, Florida.

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

West side of S.W. 132<sup>nd</sup> Avenue at about 190<sup>th</sup> Terrace

7. SIZE OF PROPERTY (in acres): 4.97 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased: 6/02 and 8/02 9. Lease term: N/A years  
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

N/A

11. Is there an option to purchase ☒ or lease ☒ the subject property or property contiguous thereto?  
☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: AU

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)  
(DBC requires special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

- ☒ District Boundary Changes (DBC) [Zone class requested]: EU-M  
☐ Unusual Use: \_\_\_\_\_  
☐ Use Variance: \_\_\_\_\_  
☐ Alternative Site Development: \_\_\_\_\_  
☐ Special Exception: \_\_\_\_\_  
☐ Modification of previous resolution/plan: \_\_\_\_\_  
☐ Modification of Declaration or Covenant: \_\_\_\_\_

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14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.  
If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing is as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: \_\_\_\_\_ and describe the violation: \_\_\_\_\_

16. Describe structures on the property: One residence and utility structures

17. Is there any existing use on the property? ☐ no ☒ yes. If yes, what use and when established?

Use: Residential Year: \_\_\_\_\_



## RESPONSIBILITIES OF THE APPLICANT

### I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075

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BY [Signature]

Sworn to and subscribed before me this 7 day of December 04. Affiant is personally known to me or has produced Florida ID as identification.

(Notary Public)  
My commission expires \_\_\_\_\_



## APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

### OWNER OR TENANT AFFIDAVIT

(I)(WE), Lazaro Bombalier, being first duly sworn, depose and say that  
(I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me  
this 7<sup>th</sup> day of December, 2004

Notary Public:  
Commission Expires:

Signature: A. M. DURAN  
Notary Public - State of Florida  
My Commission Expires May 20, 2007  
Commission # DD213763  
Bonded By National Notary Assn.

### CORPORATION AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest:

Authorized Signature

Office Held

(Corp. Seal)

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Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, BY \_\_\_\_\_

Notary Public:  
Commission Expires:

### PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that  
(I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

(Name of Partnership)

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public:  
Commission Expires:

### ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public:  
Commission Expires:

Signature

(Space reserved for Clerk)

**OWNERSHIP AFFIDAVIT FOR INDIVIDUAL**

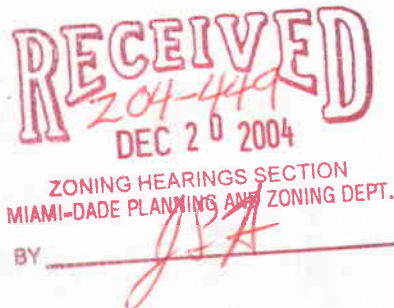
STATE OF Florida

Public Hearing No. \_\_\_\_\_

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Lazaro Bombalier  
hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:  
The North 1/2 and the South 1/2 of Tract 14, in the NW 1/4 of  
Section 2, Township 56 S, Range 39 E of Tropic as  
recorded in PB 2, page 57 of the public records of  
Miami-Dade County
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.





(Space reserved for Clerk)

Witnesses:

Signature

Print Name

Signature

Print Name

Affiant's signature

Print Name

Sworn to and subscribed before me on the 7 day of December, 04.

Affiant is personally known to me or has produced Florida ID as identification.



Notary Public Signature

Print Name

State of FL

My Commission Expires: \_\_\_\_\_

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BY JS

POWER OF ATTORNEY  
FOR  
PUBLIC HEARING

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I THE UNDERSIGNED, do by these presents hereby make, constitute and appoint Pedro A. Hernandez, P.E. of the County of Miami-Dade and the State of Florida, true and lawful Attorney-in-Fact for me and in my name, place, stead, to sign on my behalf, and do all acts necessary, including speak at a public hearing in furtherance of an application for Public Hearing No. \_\_\_\_\_ with the Miami-Dade County Department of Planning and Zoning. (Explain nature of hearing).

Zoning change from AU to EU-M

concerning the property described as:

The North 1/2 and the South 1/2 of Tract 14, in the NW 1/4 of Section 2, Township 56 S, Range 35 E of Tropic 43 recorded in P.B. 2, page 57

Granting and giving unto said Attorney-in-Fact, full authority and power to do and perform any and all acts necessary or incident to the performance and execution of the powers herein above expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as the grantor might or could do if personally present, with full power of substitution.

Signed, witnessed, executed and acknowledged on this 7<sup>th</sup> day of December, 2004.

WITNESSES:

Signature

Print Name

Signature

Print Name

Individual Signature

Print Name

Address:

18920 S.W. 132<sup>nd</sup> Avenue  
Miami, FL 33177

STATE OF

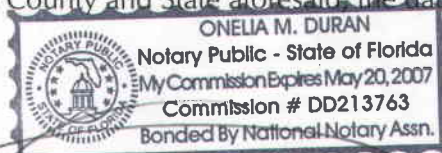
COUNTY OF

Florida

Miami-Dade

The foregoing instrument was acknowledged before me by Lazaro Bombalier, who is personally known to me or has produced Florida I.D., as identification.

Witness my signature and official seal this 7 day of December, 04, in the County and State aforesaid, the date and year last aforesaid.

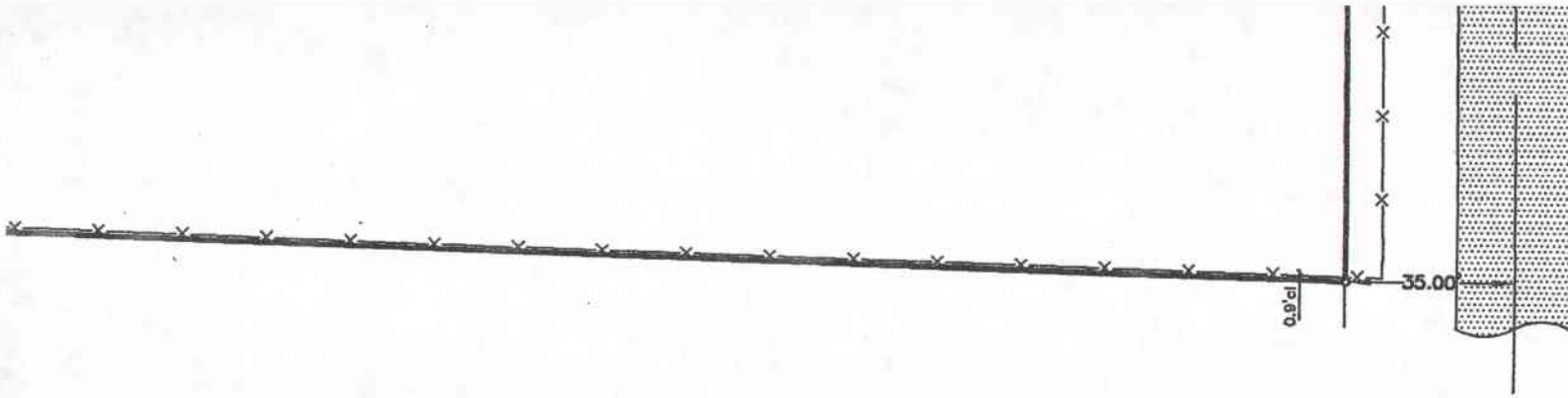


Notary Public-State of Florida

Print Name

Onelia Duran

My Commission Expires:



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BY [Signature]

**LEGAL DESCRIPTION:**

THE SOUTH 1/2 OF THE EAST 1/2 OF TRACT 14, IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 56S, RANGE 39E, OF TROPICO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND  
THE NORTH 1/2 OF THE EAST 1/2 OF TRACT 14, IN THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 56S, RANGE 39E, OF TROPICO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 57, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**CERTIFIED TO:**

LAZARO BOMBALIER

WE HEREBY CERTIFY THAT THE ATTACHED SKETCH OF "BOUNDARY SURVEY" OF THE ABOVE DESCRIBED PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 21HH-6 OF FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

SITE ADDRESS: 18920 S.W. 132nd AVE., MIAMI, FL., 33177

JOB NUMBER: 04-1131

DATE OF SURVEY NOV. 09, 2004

**SURVEYOR'S NOTES:**

LEGAL DESCRIPTION WAS FURNISHED BY CLIENT

SHOWN ELEVATIONS ARE BASED ON N.G.V.D. (NATIONAL GEODETIC VERTICAL DATUM OF 1929)

EXAMINATIONS OF THE ABSTRACT OR TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY AFFECTING THIS PROPERTY

NO UNDERGROUND UTILITIES OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS NOTED.

THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.

IDENT  
BLOCK STRUCTURE



LB 6683

**American Services of Miami, Corp.**  
**Consulting Engineers . Planners . Surveyors**

2450 S.W. 137th Ave, Suite 217

Miami, Florida, 33175

PH: (305) 554-6963

FAX: (305) 554-7516

[Signature]

Alberto R. Vara  
PROFESSIONAL LAND SURVEYOR  
AND MAPPER No. 3105  
STATE OF FLORIDA

DATE: NOV. 09, 2004

BY: ARV

No.